

## **2.1 DETERMINATION OF DEVELOPMENT PROJECTS AS PRIORITY**

The Permit defines Planning Priority Development and Redevelopment Projects as follows:

Projects that are required to incorporate appropriate storm water mitigation measures into the design plan for their respective project. These types of projects include:

1. Ten or more unit home (includes single family homes, multifamily homes, condominiums, and apartments)
2. A 100,000 or more square feet of impervious surface area industrial/commercial development *(1 Ac. starting March 10, 2003)*
3. Automotive service facilities
4. Retail gasoline outlets
5. Restaurants
6. Parking lots 5,000 square feet or more of surface area or with 25 or more parking spaces
7. Redevelopment projects in subject categories that meet Redevelopment thresholds
8. Projects located or directly adjacent to or discharging directly to an Environmentally Sensitive Area (ESA), which meet thresholds; and
9. Those projects that require the implementation of a site-specific plan to mitigate post-development storm water for new development not requiring a Standard Urban Stormwater Mitigation Plan (SUSMP) but which may potentially have adverse impacts on post-development storm water quality, where the following project characteristic exist:
  - a) Vehicle or equipment fueling areas;
  - b) Vehicle or equipment maintenance areas, including washing and repair;
  - c) Commercial or industrial waste handling or storage;
  - d) Outdoor handling or storage of hazardous materials;
  - e) Outdoor manufacturing areas;

- f) Outdoor food handling or processing;
- g) Outdoor animal care, confinement, or slaughter, or
- h) Outdoor horticulture activities.

The process for determining whether a Development Project is a Planning Priority Project or a Planning Exempt Project is shown on Figure 1.

For consistency across the various component programs of the Countywide Stormwater Quality Management Program, a restaurant is a stand-alone facility that sells prepared foods and drinks for consumption, including stationary lunch counters and refreshment stands selling prepared foods and drinks for immediate consumption [Standard Industrial Classification (SIC) code of 5812]. An automotive service facility is a facility that would use one of the following SIC codes: 5013, 5014, 5541, 7532-7534, or 7536-7539. There are three exceptions regarding automotive repair shops:

- 1) SIC code 5013, if the business has no outside storage of any recycled oil or other hazardous substances it will not be included
- 2) SIC code 5014, if the business does not engage in any repair work it shall not be included
- 3) SIC code 5541, if the business does not engage in any onsite repair work, it shall not be included.

Environmentally Sensitive Area (ESA) means an area in which plant or animal life or their habitats are either rare or especially valuable because of their special nature or role in an ecosystem and which would be easily disturbed or degraded by human activities and developments (California Public Resources Code § 30107.5). Areas subject to storm water mitigation requirements are: areas designated as Significant Ecological Areas by the County of Los Angeles (Los Angeles County Significant Areas Study, Los Angeles County Department of Regional Planning (1976) and amendments); an area designated and field verified as a Significant Natural Area by the California Department of Fish and Game's Significant Natural Areas Program; an area listed in the Basin Plan as supporting the "Rare, Threatened, or Endangered Species (RARE)" beneficial use; or an area identified by a Permittee as environmentally sensitive.

Commercial development includes any development on private land that is not heavy industrial or residential. The category includes, but not limited to: hospitals, laboratories and other medical facilities, educational institutions, recreational facilities, plant nurseries, car wash facilities, mini-malls, and other business complexes, shopping malls, hotels, office buildings, public warehouses,

and other light industrial complexes. The number of square feet of development will be based on total impermeable area, including parking areas, as opposed to lot size or building footprint. This interpretation is used in this Program because of the intent to manage storm water runoff from paved areas associated with buildings.

## **2.2 BMP SELECTION PROCESS FOR PRIORITY DEVELOPMENT PROJECTS**

Municipalities and developers should address the potential water quality impacts of storm water discharges associated with development activities early in the project planning and design process. In general, the sooner developers and municipal planning staffs consider potential storm water impacts, the greater the opportunity to include efficient and effective BMPs into project design and plans.

In planning a development project, the designer must answer three key questions with respect to storm water quality control: (1) what kind of water quality controls are needed?; (2) where should the controls be implemented?; and (3) how much control is enough? In order to answer these questions, the designer should document the process used to identify potential storm water quality problems, develop design objectives, formulate and evaluate alternatives, select the most appropriate alternatives, and design the plan.

The Permittees have developed a process for selecting the appropriate BMPs for a specific project. The recommended BMP selection process is described in the remainder of Section 2.2, and the recommended BMPs for consideration in Planning Priority Projects are provided in Appendix B.

### **2.2.1 Goals and Objectives**

Site-specific conditions of Development Projects determine which BMPs are most appropriate for a site. Prior to selecting BMPs, a good understanding of post-construction activities and potential sources of storm water pollutants is needed. The BMPs considered should address the potential pollutants reasonably expected at the site once the site is occupied or operational. BMPs for the project construction phase are addressed in the Development Construction Program. The permanent BMPs planned for a site should fulfill the following goals and objectives:

- be appropriate for the given site constraints;

- be feasible to implement and maintain;
- ensure no adverse storm water quality impacts;
- promote improved water quality;
- provide effective pollutant source control or removal capability;
- meet regulatory requirements; and
- be economically feasible.

### **2.2.2 BMP Selection Criteria**

In order to fulfill the goals and objectives, described in Section 2.2.1 appropriate BMPs should be selected by using selection criteria that identify the capabilities and limitations of each BMP. Common criteria used in screening and selecting BMPs during the planning stage are:

- project characteristics (e.g., potential sources of storm water pollutants after construction is completed);
- site factors (e.g., slope, high water table, soils, etc.);
- pollutant removal capability;
- short-term and long-term costs;
- responsibility for maintenance;
- contributing watershed area; and
- environmental impact and enhancement.

The BMP selection criteria listed above should be applied in accordance with the overall objective of this Model Program, i.e., to reduce pollutants in discharges to the MEP to achieve the attainment of Regional Board water quality objectives and protection of the beneficial uses of receiving waters. Some BMPs will clearly be more appropriate and effective in some site-specific situations than others, and BMP selections should reflect this variability. These factors are described in more detail in Appendix C.

### **2.2.3 Nominate and Evaluate Alternatives**

The Permittees have nominated and evaluated alternative BMPs for development projects. The BMPs were nominated from the *California Storm Water Best Management Practices Handbooks*, as well as BMPs from other manuals and resources. Based on feasibility and appropriateness to the area, the Permittees have developed three lists of recommended BMPs for Planning Priority Projects. These BMPs are described in Appendix B.

### **2.2.4 Select Best Alternatives**

Using the list of recommended BMPs for Planning Priority Projects, the developer/designer should use the selection criteria described in Section 2.2.2 to select the best alternatives for the project conditions, characteristics, and concerns. This may be done numerically, by rating and then ranking the BMPs. Or the selection process may be done in a more subjective, non-numerical way using experience and professional judgment to select the best alternative BMPs. Either way, the designer should document the selection process to provide justification for the system of BMPs incorporated into project plans and designs.

### **2.2.5 Design and Installation**

After the appropriate BMPs are selected for a given project, the designer should design the BMPs and incorporate them into the project plans and specifications. It is important that the project plans and specifications include adequate information for the BMPs to be properly installed. Improper installation is one of the most common reasons for water quality controls to not function as designed. Therefore, the designer must provide sufficient information in the project plans and specifications for proper BMP installation since improper installation is a common cause of BMP failure or ineffectiveness.

### **2.2.6 Maintenance**

Maintenance is crucial to the proper and continued functioning and effectiveness of the BMPs. Designers should provide guidance on the proper maintenance of the BMPs to the developer/owner so it may be provided to the entity responsible for their maintenance (e.g., homeowners association). Additionally, some Permittees may elect to provide maintenance guidelines in their modified program that is developed from this Program.

### **2.2.7 BMPs For Planning Priority Projects**

Planning Priority Projects will be required to incorporate appropriate BMPs in keeping with the size of the project and potential for storm water pollution, in order to reduce the discharge of pollutants into the storm drain system to the MEP. These BMPs address site planning practices, post-construction, and redevelopment/infill practices, and have been approved by the Regional Board. The lists of recommended BMPs are provided in Appendix B. If appropriate, other BMPs may be considered by developers or required by Permittees.

## **2.3 STANDARD URBAN STORM WATER MITIGATION PLANS (SUSMP)**

The RWQCB adopted SUSMP for development and redevelopment projects. Each Permittee shall require that a SUSMP be implemented for the following categories of developments:

1. Single-Family Hillside Home
2. Ten or more unit home (includes single family homes, multifamily homes, condominiums, and apartments)
3. A 100,000 or more square feet of impervious surface area industrial/commercial development (*1 Ac. starting March 10, 2003*)
4. Automotive service facilities
5. Retail gasoline outlets
6. Restaurants
7. Parking lots 5,000 square feet or more of surface area or with 25 or more parking spaces
8. Redevelopment projects in subject categories that meet Redevelopment thresholds; and
9. Projects located or directly adjacent to or discharging directly to an ESA that meet threshold conditions as follows:
  - (1) Discharge storm water and urban runoff that is likely to impact a sensitive biological species or habitat; and
  - (2) Create 2,500 square feet or more of impervious surface area.

The SUSMPs provide the minimum required BMPs that must be incorporated into project plans and designs before building or grading permits are issued by a Permittee. The details of the SUSMP design criteria are included separately in a SUSMP manual. A copy of the SUSMP is included in Appendix D.

## **2.4 SITE SPECIFIC MITIGATION**

Each Permittee shall require the implementation of a site-specific plan to mitigate post-development storm water for new development and redevelopment projects not requiring SUSMPs but which may potentially have adverse impacts on post-development storm water quality, where one or more of the following project characteristics exist:

- a) Vehicle or equipment fueling areas;
- b) Vehicle or equipment maintenance areas, including washing and repair;
- c) Commercial or industrial waste handling or storage;
- d) Outdoor handling or storage of hazardous materials;
- e) Outdoor manufacturing areas;
- f) Outdoor food handling or processing;
- g) Outdoor animal care, confinement, or slaughter, or
- h) Outdoor horticulture activities.

The site-specific plan is required to be incorporated into the project design prior to the issuance of any grading or building permits. The Permittee may apply more stringent standard such as the SUSMP to these projects.

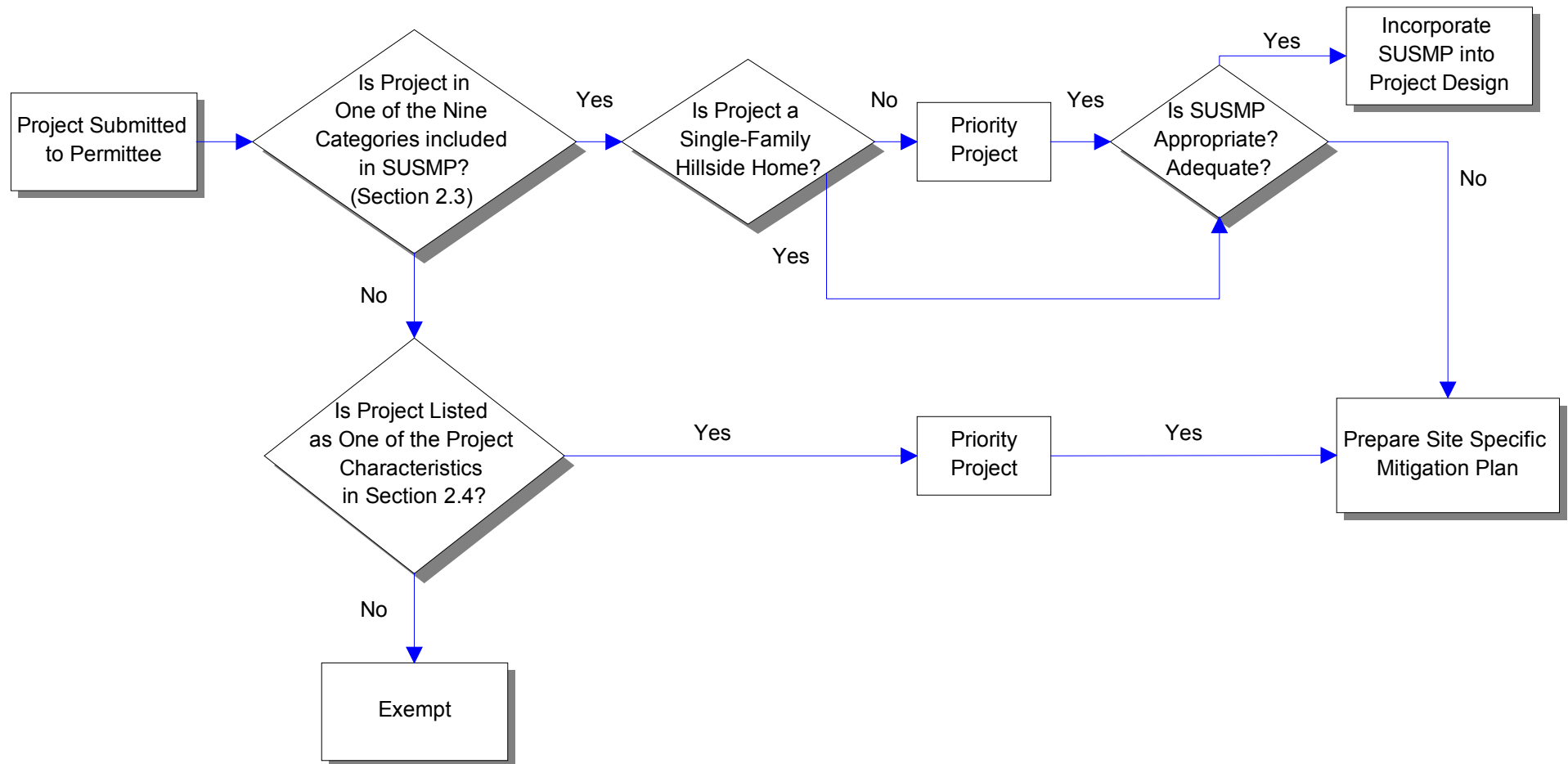


Figure 1  
Flow Diagram for Determination  
Of Project as Priority or Exempt



## **2.5 REGIONAL STORM WATER MITIGATION PROGRAM**

A Permittee or a group of Permittee may apply to the Regional Board for approval of a regional or sub-regional storm water mitigation program to substitute in part or wholly SUSMP requirements. Upon a review and a determination by the Regional Board Executive Officer that the proposal is technically valid and appropriate, the Regional Board may consider for approval such a program if its implementation will:

- a) Result in equivalent or improved storm water quality;
- b) Protect stream habitat;
- c) Promote cooperative problem solving by diverse interests;
- d) Be fiscally sustainable and has secure funding; and
- e) Be completed in five years including the construction and start-up of treatment facilities.

## **2.6 PEAK FLOW CONTROL**

*The Permit requires that the Permittees control post-development peak storm water runoff discharge rates, velocities, and duration (peak flow control) in Natural Drainage Systems (i.e., mimic pre-development hydrology) to prevent accelerated stream erosion and to protect stream habitat. Natural Drainage Systems are located in the following areas:*

- a) Malibu Creek;*
- b) Topanga Canyon Creek;*
- c) Upper Los Angeles River;*
- d) Upper San Gabriel River;*
- e) Santa Clara River; and*
- f) Los Angeles County Coastal streams (see Table 2A, Appendix D)*

*Permit, Part 4.D.1 requires that each Permittee to implement numerical criteria for peak flow control no later than February 1, 2005.*

*This part of the Development Planning Program will be completed based up the Peak Discharge Impact Study (Part II. I of the Monitoring and Reporting Program in the Permit)*

*A Permittee or group of Permittees may substitute for the countywide peak flow control criteria with a Hydromodification Control Plan (HCP), on approval by the Regional Board, in the following circumstances:*

- (1) Stream or watershed-specific conditions indicate the need for a different peak flow control criteria, and the alternative numeric criteria is developed through the application of hydrologic modeling and supporting field observations; or*
- (2) A watershed-wide plan has been develop for implementation of control measures to reduce erosion and stabilize drainage systems on a watershed basis.*

## **2.7 GUIDELINES FOR REVIEW AND APPROVAL OF LOCAL PROJECTS**

### **2.7.1 Preparation and Review of CEQA Documents**

The Permit requires that the impacts of development projects on storm water quality be assessed during the early planning stages of a project, including CEQA document preparation and review.

The purpose of CEQA document review procedures is to ensure that the potentially significant environmental impacts of a project are disclosed and that mitigation measures are incorporated to reduce the impacts to a level that is less than significant.

The following storm water management guidelines have been developed for use in preparing and reviewing CEQA documents to specifically ensure that storm water impacts are considered and that storm water quality mitigation conditions are linked to local discretionary project approvals:

- CEQA documents will be reviewed by Permittees for compliance with General Plans, and specifically with storm water and natural resource protection elements of such plans.
- CEQA documents will be reviewed by Permittees for impacts on storm water, will contain mitigation measures for identified significant adverse impacts, and at a minimum will include measures required by this countywide Development Planning Program.

- Project approval will be conditioned to require a review of storm water mitigation measures during the plan check process to ensure that measures have been incorporated into the design plans.
- Project approval will be conditioned upon inspection of required storm water impact mitigation measures to ensure that all such measures have been installed prior to issuance of a Certificate of Occupancy.

These guidelines are intended to address water quality impacts to all surface waters including but not limited to riparian corridors and wetlands, and to promote protection of the biological integrity of drainage systems and receiving waters.

Existing environmental review procedures for development activities typically use checklists similar to the model forms provided in CEQA Guidelines. Although these checklists have been developed in accordance with the CEQA Guidelines, they may be inadequate to prompt consideration of the potential environmental impacts resulting from the quality of storm water discharges or impacts to natural features that contribute to water quality protection.

The following considerations should be used as guidance in completing the CEQA checklist relative to impacts related to storm water management:

- Potential impact of project construction on storm water runoff;
- Potential impact of project post-construction activity on storm water runoff;
- Potential for discharge of storm water runoff;
- Potential for discharge of storm water from areas from material storage, vehicle or equipment fueling, vehicle or equipment maintenance (including washing), waste handling, hazardous material handling or storage, delivery areas or loading docks, or other outdoor work areas;
- Potential for discharge of storm water to impair the beneficial uses of the receiving waters or areas that provide water quality benefit;
- Potential for the discharge of storm water to cause significant harm on the biological integrity of waterways and water bodies;
- Potential for significant changes in the flow velocity or volume of storm water runoff that can cause environmental harm; and
- Potential for significant increases in erosion of the project site or surrounding areas.

A Permittee may develop additional guidance questions specific to storm water pollution impacts to reflect particular issues, concerns, or characteristics unique to a particular watershed, receiving water body, or to an individual municipality.

Based on the answers to these questions, if a CEQA reviewer determines that a project would have a potentially significant adverse impact on storm water quality, a CEQA document will be required to clearly identify the potential impacts and appropriate BMPs to mitigate the identified adverse impacts.

### **2.7.2 Review and Approval of Local Permits**

The mitigation of storm water quality impacts will be linked to project approval by the requirement to incorporate mitigation measures during design. It is during the design review process that:

- plans will be verified as being in compliance with the General Plans, zoning ordinances, and other applicable local ordinances and codes;
- plans and specifications will be verified as incorporating appropriate BMPs; and
- the reviewer will require projects to be redesigned, if necessary, to address storm water pollution prevention goals.

Approval of Development Projects will not be granted until storm water mitigation measures appropriate and applicable to the project are incorporated into project plans. Construction, building, or grading permits will not be issued by a Permittee until post-construction (permanent) storm water mitigation measures appropriate and applicable to the project are incorporated into project plans. Occupancy permits will not be issued until the Permittee's inspector(s) verify correct installation of post-construction (permanent) storm water mitigation measures.

## **2.8 GENERAL PLANS**

The Permit requires that each Permittee shall include watershed and storm water management considerations in following elements of the Permittee's General Plan, whenever such elements are significantly rewritten: (i) Land Use, (ii) Housing, (iii) Conservation, and (iv) Open Space.

The Permit also requires that each Permittee shall provide the Regional Board with the draft amendment or revision when a listed General Plan element or the General Plan is circulated for comment in accordance with Cal. Govt. Code § 65350 *et seq.*

Guidelines to assist Permittees in conforming to this requirement are provided in Appendix E.